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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,977	03/22/2004	Kevin T. Carle	MS1-1925US	2251
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LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201			EXAMINER TAYLOR, JOSHUA D	
			ART UNIT 2426	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary

Application No.

10/806,977

Applicant(s)

CARLE ET AL.

Examiner

JOSHUA TAYLOR

Art Unit

2426

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16, 20, 21 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16, 20, 21 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to an AMENDMENT entered March 22, 2010 for the patent application 10/806,977 filed on March 22, 2004.
2. The Non-Final Rejection of December 22, 2009 is fully incorporated into this Final Office Action by reference.

Status of Claims

3. Claims 16, 20-21 and 30-33 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 20-21, 30-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (Pub. No.: US 2004/0177370) in view of Florence (Pub. No.: US 2002/0188948) and Goddard (Pat. No.: US 6,684,240).

Examiner's Note (EN): ¶10. below applies.

Regarding claim 16, Dudkiewicz discloses **a method comprising: receiving an identifier from a client device at a first configuration server**, the client device having the

capability to store more than one identifier (Figs. 1 and 4, para. [0025]), **the identifier uniquely identifying a viewer profile from other viewers' profiles in the household** (para. [0025]); **receiving a first request for configuration information associated with the client device from the client device at the first configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (Figs. 5-10, paras. [0040]-[0043]. In the second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).); **identifying the requested configuration information associated with the client device based on the received identifier** (Fig. 1, "Profile ID," para. [0025]), **wherein the requested configuration information is household configuration information shared by a plurality of users in the household** (para. [0025]. The elements similar to all users' profiles can be called household configuration information. For example, all members of a household might be Colts fans if the family lives in Indiana, and thus each profile could have a high category score for Football, the NFL, and the Colts (see Fig. 1).); **communicating the household configuration information to the client device from the first configuration server** (paras. [0040]-[0050]); **communicating video data to the client device for display on a display device** (Fig. 4, para. [0034]); **receiving modified configuration information from the client device at the first configuration server** (para. [0043]); **storing the modified configuration information at the first configuration server** (para. [0043]), **the modified configuration information differing from the household configuration information and from configuration information associated with the other users in the household** (paras. [0025] and [0043]. Once modified, the data can be different than other users' profiles, and thus different from the household

configuration information.); **receiving a second request for configuration information associated with the client device from a second configuration server** (Fig. 4, elements 22, 32, 24 and 34, para. [0036]); **and communicating the modified configuration information to the second configuration server from the first configuration server** (Fig. 4, elements 10, 16, 22 and 32, para. [0036]). Although Dudkiewicz discloses wherein the client device has the capability to store more than one identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **the client device being one of a plurality of client devices in a household, or the identifier uniquely identifying the client device from the other client devices in the household**. However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Neither Dudkiewicz nor Florence disclose parental controls, and thus neither explicitly disclose **communicating video data to the client device for display on a display device in accordance with the household configuration information, the household configuration including a parental lock prohibiting communication and display of an additional video**

program. However, in analogous art, Goddard discloses that an authorized user, such as a parent, may generate user profiles and adjust acceptable parental lock levels for a user or group of users (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29), thus preventing users such as “Sarah” from viewing content that contains language, nudity, or adult themes, for example. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz and Florence to allow for viewer profiles to have parental locks associated therewith, as this would have produced the predictable and desirable results of allowing parents or guardians to prevent children from being exposed to objectionable material.

Regarding claim 20, Dudkiewicz discloses **further comprising communicating the modified configuration information to the client device from the first configuration server during subsequent requests for configuration information from the client device** (paras. [0040]-[0050]).

Regarding claim 21, Dudkiewicz discloses **one or more computer-readable memories containing a computer program that is executable by a processor** (para. [0056]), and the combined teachings as stated above disclose **performing the method recited in claim 16.**

Regarding claim 30, Dudkiewicz discloses **a system comprising: a network** (Fig. 4, elements 10, 12, 14, 22 and 34); **a first configuration server** (Fig. 4, element 10); **a second configuration server in communication with the first configuration server via the network** (Fig. 4, element 22); **at least one re-locatable client device being in communication with the first configuration server via the network** (Fig. 4, para. [0034]); **and wherein the first configuration server is configured to: store configuration information associated with the re-locatable client device** (para. [0043]), **the configuration information including household**

configuration information shared by the plurality of users in the household (para. [0025].

The elements similar to all users' profiles can be called household configuration information. For example, all members of a household might be Colts fans if the family lives in Indiana, and thus each profile could have a high category score for Football, the NFL, and the Colts (see Fig. 1);

receive a first request for configuration information associated with a first re-locatable

client device from the first re-locatable client device (Figs. 5-10, paras. [0040]-[0043]. In the

second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).); **identify the requested configuration information associated with the first**

re-locatable client device based on the identifier associated with a first user which

identifies the first user from other users in the household (Fig. 1, "Profile ID," para. [0025]),

wherein the requested configuration information is the household configuration

information (para. [0025]. The elements similar to all users' profiles can be called household

configuration information.); **communicate the household configuration information to the**

first re-locatable client device (paras. [0040]-[0050]); **receive modified configuration**

information from the first re-locatable client device (para. [0043]); **store the modified**

configuration information (para. [0043]), **the modified configuration information differing**

from the household configuration information and from configuration information

associated with the other users in the household (paras. [0025] and [0043]. Once modified, the data can be different than other users' profiles, and thus different from the household

configuration information.); **and communicate the modified configuration information to the**

first re-locatable client device (Fig. 4, elements 10, 16, 22 and 32, para. [0036]). Although

Dudkiewicz discloses wherein the client device has the capability to store more than one

identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **a plurality of re-locatable client devices in a household, each of the re-locatable client devices in the household having an identifier which identifies the re-locatable client device from the other client devices in the household**, and thus does also not explicitly disclose **receiving a second request for configuration information associated with a second re-locatable client device from the second configuration server; and communicating the requested configuration information associated with the second re-locatable client device to the second configuration server**. However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Neither Dudkiewicz nor Florence disclose parental controls, and thus neither explicitly disclose **displaying, on the first client device, the content that is prohibited by a parental lock in the household configuration information but permitted by the modified configuration information**. However, in analogous art, Goddard discloses that an authorized user, such as a parent, may generate user profiles and adjust acceptable parental lock levels for a

user or group of users (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29), thus preventing users such as “Sarah” from viewing content that contains language, nudity, or adult themes, for example. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz and Florence to allow for viewer profiles to have parental locks associated therewith, which would differ between users, as the age of children could alter the content said children were allowed to view. This would have produced the predictable and desirable results of allowing parents or guardians to prevent children from being exposed to objectionable material.

Regarding claim 31, the combined teaching of Dudkiewicz, Florence and Goddard disclose a **system as recited in claim 30**, and also disclose **further comprising the second relocatable client device being in communication with the first configuration server via the network** (Dudkiewicz, Fig. 4, para. [0034]. This claim is rejected on the same grounds as claim 30.).

Regarding claim 33, the combined teaching of Dudkiewicz, Florence and Goddard disclose **the method of claim 20**, and Goddard discloses **further comprising: communicating the additional video program to the client device for display on a display device in accordance with the modified configuration information** (Fig. 5, col. 10, ln. 1-14 and col. 11, ln. 4-29. If the modified configuration information allows a user to watch the additional video program, said user will be able to watch said program, and if the modified configuration information does not allow a user to watch the additional video program, said user will be not be able to watch said program. This claim is rejected on the same grounds as claim 20.).

5. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz (Pub. No.: US 2004/0177370) in view of Florence (Pub. No.: US 2002/0188948).

Regarding claim 32, Dudkiewicz discloses **a method comprising: receiving an identifier from a client device at a first configuration server, the identifier uniquely identifying a viewer profile from the other viewers' profiles in the household** (Figs. 1 and 4, para. [0025]); **receiving a first request for configuration information associated with the viewer profile from the client device at the first configuration server each time the client device is to perform a task which requires application of the configuration information associated with the client device** (Figs. 5-10, paras. [0040]-[0043]. In the second embodiment, Dudkiewicz discloses that processing is performed at the multiple service operator (MSO).); **identifying the requested configuration information associated with the client device based on the received identifier** (Fig. 1, "Profile ID," para. [0025]), wherein the requested configuration information is household configuration information shared by the plurality of users in the household (para. [0025]. The elements similar to all users' profiles can be called household configuration information. For example, all members of a household might be Colts fans if the family lives in Indiana, and thus each profile could have a high category score for Football, the NFL, and the Colts (see Fig. 1).); **communicating the household configuration information to the client device from the first configuration server** (paras. [0040]-[0050]); **communicating video data to the client device for display on a display device** (Fig. 4, para. [0034]); **receiving modified configuration information from the client device at the first configuration server** (para. [0043]); **storing the modified configuration information at the**

first configuration server (para. [0043]), the modified configuration information differing from the household configuration information and from configuration information associated with the other users in the household (paras. [0025] and [0043]. Once modified, the data can be different than other users' profiles, and thus different from the household configuration information.); and communicating the modified configuration information to the client device from the first configuration server during subsequent requests for configuration information from the client device (paras. [0040]-[0050]). Although Dudkiewicz discloses wherein the client device has the capability to store more than one identifier, wherein said identifier uniquely identifies a viewer (para. [0025]), Dudkiewicz does not explicitly disclose **the client device being one of a plurality of client devices in a household, or the identifier uniquely identifying the client device from the other client devices in the household.** However, in analogous art, Florence discloses saving multiple channel favorites tables, so that multiple viewers from a single STB or multiple viewers from multiple STBs may each have his or her own channel favorites table (Fig. 8, para. [0060]). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dudkiewicz to allow for multiple client devices in a household, and further for a unique identifier to identify a client device with an associated user, in addition to identifying the users themselves. This would have produced predictable and desirable results, in that as multiple client devices, namely set-top boxes, in a house has become common, as taught by Florence, identifying the unique device that a viewer is currently using would ensure that said viewer received the correct profile information.

Response to Arguments

6. In response to Applicant's amendment that removed claim language which had been objected to, Examiner deems the instant iteration of the claims to be a single invention, and thus will examine all claims currently presented.

Applicant's arguments with respect to the "parental locks" portions of the claims have been considered but are moot in view of the new grounds of rejection.

Applicant's arguments with respect to the remainder of the amendments have been fully considered but they are not persuasive.

Regarding Applicant's argument:

[0012] In rejecting claim 1, the Examiner cites a number of passages and figures of Dudkiewicz. These passages and figures describe and show a head-end that is capable of storing viewer preference data that can be retrieved by a set-top box based on a profile ID (see para. 25). The head-end is capable of storing multiple profiles each associated with its own viewer preference data for a set-top box. Viewers can update this viewer preference data through their set-top boxes and through web pages.

[0013] However, there is no description in Dudkiewicz of anything resembling "household configuration information shared by the plurality of client devices in the household." The viewer preference data in Dudkiewicz is specific to a set-top box and thus cannot be shared by a "plurality of client devices in [a] household."

Examiner's Response:

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Dudkiewicz discloses multiple *users* in a household, and therefore any data associated with all of these *users* can be considered

household data. Florence further discloses multiple viewers from a single STB or multiple viewers from multiple STBs, which is “a plurality of client devices in a household.” Thus, the combination of these references teaches the above cited limitation, as discussed above in the instant rejection.

Examination Considerations

7. The claims and only the claims form the metes and bounds of the invention. “Office personnel are to give the claims their broadest reasonable interpretation in light of the supporting disclosure. *In re Morris*, 127 F.3d 1048, 1054-55, 44USPQ2d 1023, 1027-28 (Fed. Cir. 1997). Limitations appearing in the specification but not recited in the claim are not read into the claim. *In re Prater*, 415 F.2d, 1393, 1404-05, 162 USPQ 541, 550-551 (CCPA 1969)” (MPEP p 2100-8, c 2, l 45-48; p 2100-9, c 1, l 1-4). The Examiner has full latitude to interpret each claim in the broadest reasonable sense. Examiner will reference prior art using terminology familiar to one of ordinary skill in the art. Such an approach is broad in concept and can be either explicit or implicit in meaning.
8. Examiner’s Notes are provided with the cited references to prior art to assist the applicant to better understand the nature of the prior art, application of such prior art and, as appropriate, to further indicate other prior art that maybe applied in other office actions. Such comments are entirely consistent with the intent and spirit of compact prosecution. However, and unless otherwise stated, the Examiner’s Notes are not prior art but a link to prior art that one of ordinary skill in the art would find inherently appropriate.

9. Unless otherwise annotated, Examiner's statements are to be interpreted in reference to that of one of ordinary skill in the art. Statements made in reference to the condition of the disclosure constitute, on the face of it, the basis and such would be obvious to one of ordinary skill in the art, establishing thereby an inherent prima facie statement.
10. Examiner's Opinion: ¶¶ 7.-9. apply. The Examiner has full latitude to interpret each claim in the broadest reasonable sense.

Conclusion

11. Claims 16, 20-21 and 30-33 are rejected.
12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA TAYLOR whose telephone number is (571) 270-3755. The examiner can normally be reached on 8am-5pm, M-F, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hirl can be reached on (571) 272-3685. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Josh Taylor/
Examiner, Art Unit 2426

/Joseph P. Hirl/
Supervisory Patent Examiner, Art Unit 2426
June 16, 2010